

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NEW YORK

C. ROBERT ALLEN, III by LUKE ALLEN, as Guardian for the  
Property Management of C. Robert Allen, III,

Plaintiff,

- against -

CHRISTOPHER DEVINE, LAKESHORE MEDIA, LLC,  
MILLCREEK BROADCASTING LLC, COLLEGE CREEK  
MEDIA LLC, MARATHON MEDIA GROUP, LLC, 3 POINT  
MEDIA – SALT LAKE CITY, LLC, 3 POINT MEDIA DELTA,  
LLC, 3 POINT MEDIA – UTAH, LLC; 3 POINT MEDIA –  
FRANKLIN, LLC, 3 POINT MEDIA – PRESCOTT VALLEY,  
LLC, 3 POINT MEDIA – COALVILLE, LLC, 3 POINT MEDIA –  
ARIZONA, LLC, 3 POINT MEDIA – FLORIDA, LLC, 3 POINT  
MEDIA – KANSAS, LLC, 3 POINT MEDIA – OGDEN, LLC, 3  
POINT MEDIA – SAN FRANCISCO, LLC, MIDVALLEY RADIO  
PARTNERS, LLC, D&B TOWERS LLC, SUPERIOR  
BROADCASTING OF NEVADA, LLC, SUPERIOR  
BROADCASTING OF DENVER, LLC, WACKENBURG  
ASSOCIATES, LLC, PORTLAND BROADCASTING LLC,  
DESERT SKY MEDIA LLC, SKY MEDIA LLC, DEVINE  
RACING MANAGEMENT, LLC, ACB CONSULTING CO., and  
John Does 1-50,

Defendants.

CHRISTOPHER DEVINE, LAKESHORE MEDIA, LLC,  
MILLCREEK BROADCASTING LLC, COLLEGE CREEK  
MEDIA LLC, MARATHON MEDIA GROUP, LLC, 3 POINT  
MEDIA – SALT LAKE CITY, LLC, 3 POINT MEDIA DELTA,  
LLC, 3 POINT MEDIA – UTAH, LLC; 3 POINT MEDIA –  
FRANKLIN, LLC, 3 POINT MEDIA – PRESCOTT VALLEY,  
LLC, 3 POINT MEDIA – COALVILLE, LLC, 3 POINT MEDIA –  
ARIZONA, LLC, 3 POINT MEDIA – FLORIDA, LLC, 3 POINT  
MEDIA – KANSAS, LLC, 3 POINT MEDIA – OGDEN, LLC, 3  
POINT MEDIA – SAN FRANCISCO, LLC, MIDVALLEY RADIO  
PARTNERS, LLC, SUPERIOR BROADCASTING OF NEVADA,  
LLC, SUPERIOR BROADCASTING OF DENVER, LLC,  
WACKENBURG ASSOCIATES, LLC, PORTLAND  
BROADCASTING LLC, DESERT SKY MEDIA LLC, SKY  
MEDIA LLC, and ACB CONSULTING CO.,

Third-Party Plaintiffs,

- against -

LUKE ALLEN,

Third-Party Defendant.

Civil Action No.:

09-0668-ADS-ETB

**NOTICE OF MOTION  
TO SUBSTITUTE**

**PLEASE TAKE NOTICE** that, upon the accompanying Memorandum of Law and Declaration of David J. Scriven-Young, with attached exhibits, Defendant/Third-Party Plaintiff Christopher Devine will move this Court at the United States Courthouse, Eastern District of New York, 100 Federal Plaza, Central Islip, New York, New York, 11722, on a date and at a time to be determined by the Court, for an Order pursuant to Rule 25 of the Federal Rules of Civil Procedure to substitute Grace Allen, in her capacity as executrix of C. Robert Allen III's estate, for Robert as a counter-defendant.

CHRISTOPHER DEVINE

By: /s/ Kevin J. O'Connor  
One of his Attorneys

Thomas J. Curran  
Kevin J. O'Connor  
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Dated: June 14, 2011

**CERTIFICATION OF SERVICE**

I certify that on June 14, 2011, I filed a copy of the foregoing Motion to Substitute with supporting Memorandum of Law and Declaration, with the Clerk of the Court via the CM/ECF system, which will send notification of such filing to registered counsel electronically.

By: /s/ Kevin J. O'Connor  
One of his Attorneys

Thomas J. Curran  
Kevin J. O'Connor  
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